

REMARKS

Reconsideration of the application is requested.

Claims 12-20 and 23-26 are now in the application. Claims 12-20 and 23-26 are subject to examination. Claims 12 and 25 have been amended. Claim 26 has been added.

Under the heading "Claim Rejections – 35 USC § 103" on page 2 of the above-identified Office Action, claims 17-20 have been rejected as being obvious over U.S. Patent No. 6,745,008 to Carrender et al. in view of U.S. Patent No. 6,806,808 to Watters et al. under 35 U.S.C. § 103. Applicant respectfully traverses. From the discussion, it appears that the Examiner intended to reject claims 12-20, and applicant has treated the rejection as such.

Support for the change to claim 12 is inherently found in the claim. The word influencable has been changed to influenced.

Claim 12 specifies that: subsequent to the splitting, the first alternating quantity and the second alternating quantity are separately and differently influenced by a measured quantity.

The Examiner has stated Carrender et al. teach that "the first and second alternating quantity is influence by a measured quantity of the frequency generated by the frequency generators (col. 5, lines 16-20)." Immediately

thereafter, the Examiner has stated Carrender et al. "is silent on teaching the device is configured to measured a measured quantity".

Those two statements are inconsistent. It is believed that the Examiner initially asserts that each of the different frequencies of the frequency generators are measured quantities, and then the Examiner admits that Carrender et al. do not teach measuring a quantity.

Carrender et al. teach that the signal generators 68, 70, and 72 each generate a signal at a different frequency (See column 5, lines 19-20). There is absolutely no teaching that the frequency of the generated signal would somehow be dependent upon a measured quantity.

Furthermore, Carrender et al. teach an RFID system used for locating, identifying, and tracking objects, such as, animals, inventory, and vehicles (See column 1, lines 20-22). Carrender et al. teach that each of the tags 14, 16, and 18 are programmed with a unique code to enable identification of an associated asset (See column 4, lines 21-23 and lines 42-43). The purpose of the signal generators 68, 70, and 72 is to modulate the unique code, which enables identification of the associated asset, onto the first modulation component which is a digital signal. The signal generators 68, 70, and 72 have nothing to do with a measured quantity. Column 5, lines 16-20, which has been cited by the Examiner, merely teaches that a selection program will be programmed into the microprocessor 74 in order to determine which of the three signal

generators will be used for modulation. It should be clear that Carrender et al. are solely interested in an RFID system for locating, identifying, and tracking an asset that is associated with a tag, and that such an asset could be an animal, an item of inventory, or a vehicle. The RFID system of Carrender et al. does not relate to measuring a quantity, such as, for example, a temperature.

The Examiner has stated that it “would have been obvious to one of ordinary skill in the art to modify the system of Carrender et al. as disclosed by Watters because wireless devices such as transponder associated with sensors that are used to monitor and record physical event and further report the occurrence of an event to an interrogator”.

Applicant respectfully states that the motivation for combining the teachings, which has been asserted by the Examiner, cannot be understood because it does not clearly convey a complete thought. If the Examiner repeats the rejection, applicant respectfully asks the Examiner to more clearly formulate the asserted motivation for combining the references. If the Examiner repeats the rejection, applicant believes that the rejection should not be a final rejection in order to give the applicant a fair chance to address the motivation that is asserted by the Examiner.

It is believed that the Examiner is asserting that the motivation for modifying the system of Carrender et al. would have been to enable the system to monitor and record a physical event and to report the occurrence of the physical event

to an interrogator. If that is the case, applicant respectfully believes that the asserted motivation is not a legitimate one.

Watters et al. teach a system that is related to determining whether a particular physical or chemical even has taken place (See column 2, lines 36-41).

Carrender et al., however, teach a system that is related to locating, identifying, or tracking an asset. Carrender et al. is not in any way concerned with determining whether a particular physical or chemical even has taken place.

Why would one of ordinary skill in the art, who is designing a system that is related to locating, identifying, or tracking an asset, now modify the system to determine whether a particular physical or chemical even has taken place?

The Examiner has not provided a legitimate motivation for such a modification, and applicant respectfully believes that a motivation for combining the references cannot be legitimately asserted since it is highly unlikely that one of ordinary skill in the art of locating, identifying, or tracking an asset would want to alternatively determine whether a particular physical or chemical even has taken place. The prior art does not suggest combining the references in a manner that would result in the invention as defined by claim 12.

Claim 26 has been added to even further distinguish the invention from the prior art. Support for the added claim can be found by referring to the translated application at page 12, line 12 through page 13, line 22, for example.

With regard to claim 26, Carrender et al. and Watters et al. do not suggest a plurality of filters configured to separately and differently influence the first alternating quantity and the second alternating quantity dependent on the measured quantity.

Under the heading "Claim Rejections – 35 USC § 103" on page 4 of the above-identified Office Action, claim 24 has been rejected as being obvious over U.S. Patent No. 6,745,008 to Carrender et al. in view of U.S. Patent No. 6,841,981 to Smith et al. under 35 U.S.C. § 103. Applicant respectfully traverses.

Applicant again respectfully states that the Examiner has not provided any legitimate motivation for combining the references. The Examiner has provided a statement on page 5 of the Office action asserting why it would have been obvious to somehow combine the teachings, however once again applicant cannot comprehend the asserted motivation. If the Examiner repeats the rejection, applicant respectfully asks the Examiner to more clearly formulate the asserted motivation for combining the references. If the Examiner repeats the rejection, applicant believes that the rejection should not be a final rejection in order to give the applicant a fair chance to address the motivation that is asserted by the Examiner.

Claim 24 includes steps of: modulating a reflector of the transponder with the first alternating quantity, and modulating another reflector of the transponder with the second alternating quantity.

Applicant first points out that the two alleged measured quantities taught in Carrender et al. are the output signals of two signal generators, and that these output signals are both used to modulate the same primary frequency, namely, the two state digital signal. Only one modulated signal is obtained, which can be seen, for example, in Fig. 4. If, for some reason, two reflectors were used, each reflector would have to be modulated with the same signal. The limitations of claim 24 that have been copied above would not have been obtained.

Second, applicant points out that Smith et al. do not even teach modulating a reflector of the transponder with a first alternating quantity, and modulating another reflector of the transponder with a second alternating quantity. Smith et al. teach that the antennas 100 and 102 are arranged at a 90 degree angle with respect to each other to increase the average gain over all directions (See column 3, lines 5-10). The antennas 100 and 102 are not modulated with different alternating quantities, but rather are modulated with the same alternating quantity. Column 4, lines 12-18 of Smith et al., which has been cited by the Examiner, merely teaches that the accessed bits of the ID code can be subjected to backscatter modulation and then sent to the antennas 100 and 102. The same accessed bits are sent to each shunt backscatter for modulation, and there is no teaching that these bits would be differently modulated.

Therefore, even if there were a suggestion to combine the references for some reason, two reflectors would be modulated with the same alternating quantity (not two alternating quantities) and that quantity would not be a measured quantity.

Let us now consider an additional limitation of claim 24. Claim 24 also includes a step of: splitting the alternating quantity into a first alternating quantity and a second alternating quantity being separately and differently influenced by a measured quantity.

The Examiner first alleges that the received signal is split into first and second alternating quantities, which are the first and second frequencies of the signal generators. The Examiner then alleges that the first and second quantities, which are the first and second frequencies of the signal generators, are influenced by a measured quantity of the frequency generated by the signal generators.

Applicant points out that the Examiner is attempting to use one feature taught in Carrender et al. to satisfy two claimed features. The Examiner is using the same quantity, namely the frequency of a signal generator, for both the claimed alternating quantity and the claimed measured quantity that influences the alternating quantity. There is no teaching that the frequency of the signal generator influences itself. Applicant also points out that the frequency of the

signal generator is not a measured quantity. The prior art does not suggest splitting the alternating quantity into a first alternating quantity and a second alternating quantity being separately and differently influenced by a measured quantity.

Under the heading "Claim Rejections – 35 USC § 103" on page 5 of the above-identified Office Action, claim 25 has been rejected as being obvious over U.S. Patent No. 6,745,008 to Carrender et al. in view of U.S. Patent No. 6,417,766 to Starkey under 35 U.S.C. § 103. Applicant respectfully traverses.

Support for the changes to claim 25 can be found by referring to the claim as originally presented. Additional support can be found by referring to the translated specification at page 12, lines 16-30, for example.

Claim 25 includes a first filter for influencing the original alternating quantity by a measured quantity in order to obtain a first alternating quantity.

Starkey teaches a receiving unit 14 that receives signals from the tire monitors 12. The receiving unit 14 includes a bandpass filter 60 with a passband around the transmit frequency and a lowpass filter 68 used to attenuate signals that are beyond the band that is suitable for detecting the secondary modulation. The filters 60 and 68 that are taught by Starkey have a fixed passband or cutoff point. In contrast to the invention as defined by claim 25, the filters 60 and 68,

which have a fixed passband or cutoff point, do not influence the input signal by a measured quantity.

Even though the Examiner has not actually rejected claim 25 over Smith et al., the Examiner has mentioned the reference in the discussion. Applicant points out that Smith et al. do not teach a first reflector modulated with the first alternating quantity, and a second reflector modulated with the second alternating quantity.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 20, 24, or 25. Claims 20, 24, and 25 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 20.

In view of the foregoing, reconsideration and allowance of claims 12-20 and 23-26 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

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Respectfully submitted,

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